

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

State-Funded Medically Needy Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following emergency rule under the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has previously administered the Medically Needy Program under the Title XIX State Plan pursuant to the Social Security Act. The department has now determined that there are insufficient federal funds available under the federal appropriation for implementation of Title XIX of the Social Security Act for Louisiana to continue the administration of the Medically Needy Program. Senate Concurrent Resolution Number 66 requests that the Department of Health and Hospitals find a method to support financially the Medically Needy Program. Therefore, the department has adopted the following emergency rule in compliance with Executive Order 96-17 which authorizes the establishment of a State-Funded Medically Needy Program limited to individuals who are certified for the Title XIX Medically Needy Program or have a pending application under the Title XIX Medicaid Program and are subsequently found eligible for Title XIX Medically Needy for June 1996. The State-Funded Medically Needy Program incorporates the same recipient eligibility criteria and scope of services which existed under the Medically Needy Program of the Title XIX State Plan except as otherwise provided herein.

Adoption of this emergency rule is essential to protect those persons who are defined under the eligibility and coverage section of the general provisions outlined below from imminent peril to their health and welfare that would result should they have no resources for continuing to receive necessary medical services.

Emergency Rule

Effective July 1, 1996 and thereafter, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes a State-Funded Medically Needy Program. The following provisions shall govern the administration of this program by the Bureau of Health Services Financing.

I. General Provisions. The State-Funded Medically Needy Program shall be administered in accordance with requirements of Title XIX of the Social Security Act for the Medically Needy Program under the Act except as described below.

A. Eligibility and Coverage

1. Coverage under this Program shall be limited to individuals who are certified for the Title XIX Medically Needy Program or have a pending application for participation under the Title XIX Medicaid Program and are subsequently found eligible for Title XIX Medically Needy for June 1996.

2. Recipients must continuously meet all the federal eligibility criteria under the Title XIX Medically Needy Program in order to maintain their eligibility status under the State-Funded Medically Needy Program.

3. Recipients who are determined to be potentially eligible under any Title XIX eligibility category or any other benefit must take all appropriate steps to pursue that eligibility including: applying for coverage and providing the necessary information to determine eligibility for the Title XIX category or other benefit.

4. Eligibility for the State-Funded Medically Needy Program will be terminated under the following circumstances:

a. the recipient is determined eligible under a Title XIX category or other benefit;

b. the recipient refuses to apply for coverage or cooperate in the eligibility determination process.

5. The State-Funded Medically Needy Program shall not provide for a process to determine the eligibility of any new eligible beginning July 1, 1996

B. Services. The scope of services and reimbursement for the covered services shall be provided in accordance with the federal and state regulations that governed the Medically Needy Program under Title XIX as previously administered by the Bureau of Health Services Financing.

C. Appeal Rights. Recipients who lose their eligibility under the State-Funded Medically Needy Program shall be afforded the opportunity to appeal the agency's decision in accordance with the Administrative Procedure Act. There shall be no continuation of benefits pending appeal.

Bobby P. Jindal
Secretary